

10/553166

JC20 Rec'd PCT/PTO 14 OCT 2005

**Written Opinion of the International
Searching Authority**

International Application No.

PCT/DE2004/000404

Box No. II Priority

1. x The following document has not yet been furnished:

 x copy of the earlier application whose priority has been claimed
 (Rules 43bis.1 and 66.7 (a))

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty,
inventive step or industrial applicability; citations and explanations
supporting such statement**

1. Statement

Novelty (N)	Claims 3-6	Yes
	Claims 1,2,7,8	No
Inventive Step (IS)	Claims 3-6	Yes
	Claims 1,2,7,8	No
Industrial Applicability (IA)	Claims 1-8	Yes
	Claims	No

Citations and explanations:
see appended sheet

80 331378 294 US

Re Point V.

- 1 In the present Office Action we refer to the following document:
D1: EP 1 065 087 A (HITACHI LTD) January 3, 2001 (2001-01-03)

2 **INDEPENDENT CLAIM 1**

- 2.1 The present application does not satisfy the requirements of Article 33(1) PCT,
because the subject matter of Claims 1 is not novel in the sense of Article 33 (2) PCT.

Document D1 describes (the parenthetical references relate to this document):

A device for speed control and distance control in motor vehicles, having a location system (102) for locating objects in the near field of the vehicle, a controller (101) and a selecting device (120) for selecting a located object as the target object for the distance control, and having a slow-travel function that is usable only below a limit speed (V_{up}), in which the selecting device classifies a broadened class of objects as possible obstacles, **[in which]**¹ by a detecting device (120) for detecting a slow-travel function in which a preceding vehicle is followed as target object, and a determining device (103) for determining the limit speed (V_{up}) as a function of the operating state detected by the detecting device.

3 **DEPENDENT CLAIMS 2, 7, 8**

Dependent Claims 2, 7, 9 do not include any features that, in combination with the features of any claim to which they relate, satisfy the requirements of the PCT with regard to novelty and inventive activity. (See passages in the International Search Report). These claims do not correspond to the requirements of Article 33(2) PCT and/or 33(3).

¹ **Translator's Note:** The text is the same as that in Claim 1, except that "characterized by" has been replaced by "in which by", in which being the "wobei" that we usually translate by using the gerund. However, in this case there is no verb with which to use the gerund construction.

4 DEPENDENT CLAIMS 3-6

The combination of features contained in the dependent claims is neither known from the present related art nor made obvious by it. These claims correspond to the requirements of Article 33(2) PCT and/or 33(3).

(first sheet)

This international search report consists of a total of 4 sheets

x It is also accompanied by a copy of each prior art document cited in this report

1. Basis of the report

2

3

4 With regard to the title

x the text is approved as submitted by the applicant

5. With regard to the abstract

x the text is approved as submitted by the applicant

6. With regard to the drawings

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

x as selected by this Authority, because the applicant failed to suggest a figure

(sheet2)

A.. CLASSIFICATION OF THE SUBJECT MATTER

IPK 7 B60K31/00

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPK 7 B60K

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to Claim No.
X	EP 1 065 087 A (HITACHI LTD) January 3, 2001 column 3, lines 20-40 column 7, lines 35-50 illustrations 1-5	1,2
Y		7,8

C. (continued)

Y	US 2001/027371 A1 (LUEDER JENS ET AL.) October 4, 2001 column 1, paragraph 6 page 2, paragraph 13, 14 illustrations 1-3	7,8
A		1
A	US 5,529,139 A (HASHIMOTO MITSUFUMI ET AL.) June 25, 1996 column 1, lines 30-55 column 5, lines 14-43 column 7, lines 35-50 illustrations 1-6,11	1,2
A	US 5,230,400 A (KAKINAMI TOSHIAKI ET AL.) July 27, 1993 column 1, lines 40-55 illustrations 1-7	1,2
A	DE 199 58 520 A (BOSCH GMBH ROBERT) June 7, 2001 mentioned in the Application column 1, lines 30-55 illustrations 1,4	1,2

LEGEND for pages 1 and 2

X in left box on page 2	additional publications may be seen in the continuation of C.
X in right box on page 2	see patent family annex
X under category	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
Y under category	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
A under category	document defining the general state of the art which is not considered to be of particular relevance

COLUMN HEADINGS of the annex, having the footer: Formblatt PCT/ISA/210

Patent document mentioned in search report	Date of publication	Member(s) of patent family	Date of publication
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